what you need
to know

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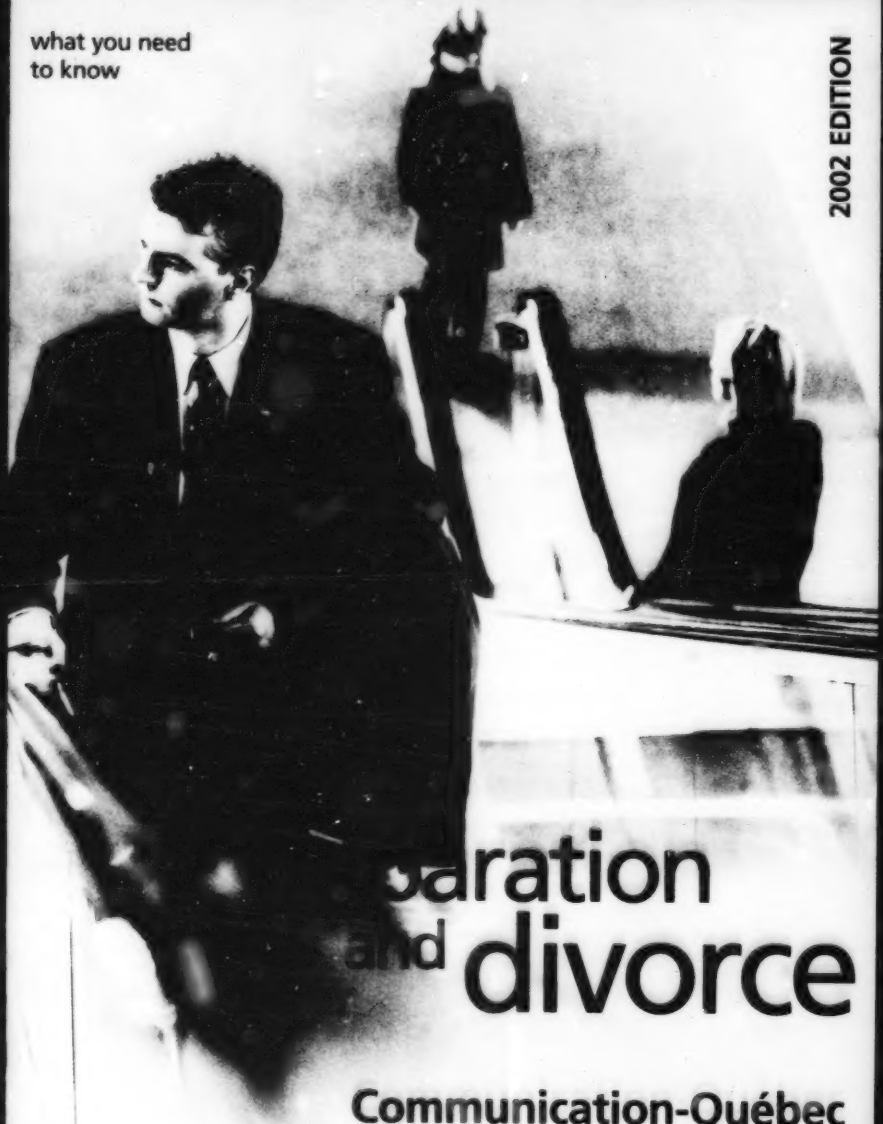

aration and divorce

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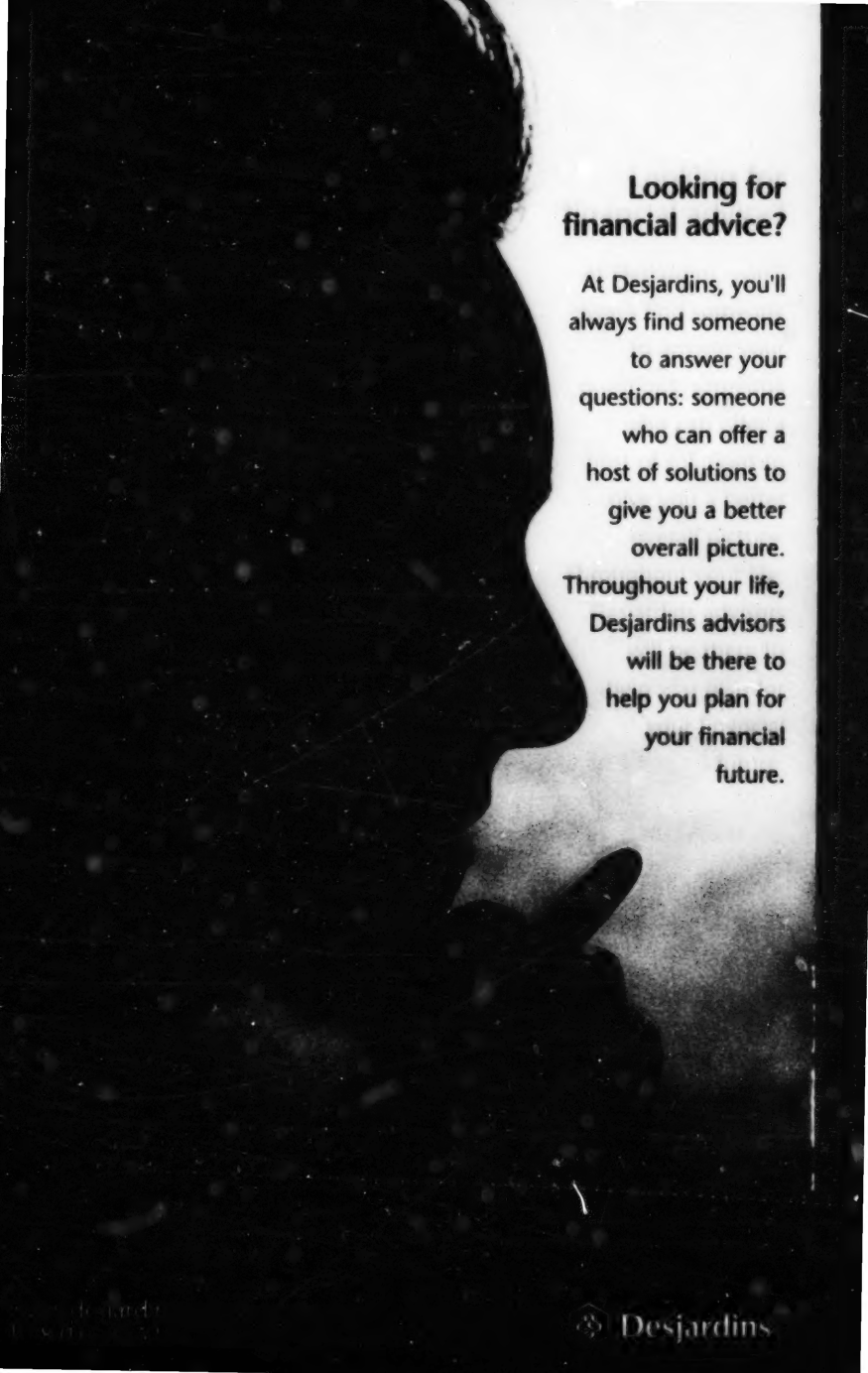
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- At all 25 Communication-Québec offices (see page 59)

Note: Certain programs may change during the year. The information contained in this guide was verified in November 2001.

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Cette publication est aussi disponible en français sous le titre Séparation et divorce. *Vous pouvez obtenir un exemplaire gratuitement à l'un des 25 bureaux de Communication-Québec. Voir page 59.*

Foreword

Importance of Resources

Couples who are about to become separated or who already are separated experience powerful emotions, especially when children are involved. The reorganization of a family can produce devastating psychological, emotional, physical, social, and economic effects. Since separation and divorce are hard to deal with emotionally, couples should use available resources to aid them through this difficult period. For example, it is a good idea for couples to consult experts about their rights and get support—either from professionals[1] or community resources[2]. This way, it will be easier for them to make all the decisions that will later affect their daily lives. Consulting resource people can also help members of a couple progress on a personal level.

This Communication-Québec booklet offers general information about different aspects of separation and divorce for both married and common law couples in order to help these people through the process. However, changes may occur after publication. When in doubt, inquire with your Communication-Québec office.

If you would like general information on the programs and services offered by the departments and organizations of the Government of Québec, feel free to call the Communication-Québec regional office nearest you. At the back of the guide, see the list of the addresses and telephone numbers of our 25 Communication-Québec offices.

After reading the guide, if you need additional information about Government of Canada programs, please call 1-800-622-6232.

Lastly, we would like to thank all departments and agencies for their valuable assistance in updating this booklet.

1. Lawyers, counseling specialists, notaries, psychologists, social workers, mediators, etc.
2. CLSCs (local community service centers), community resources, family support organizations, youth centers, shelters, etc.

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Psychosocial aspects

Resources

Counseling for couples

Problems experienced by a couple may be simply temporary. When difficult moments are encountered, the option exists of seeking help outside the couple, with the goal of finding solutions to disputes. In some cases, a resource person can help a couple get through a difficult period and perhaps even bring about a reconciliation. In Québec, a number of psychological and social services are offered by CLSCs (local community service centers). Social workers can be consulted by couples that are experiencing serious problems, whether on family-related issues (separation or divorce, domestic violence, problems between parents and children) or personal issues (depression, alcoholism, drug use, bereavement, adapting to a serious illness, etc.). The telephone number for your local community service center can be found in the business section of the white pages of your phone book under the heading CLSC. Communication-Québec can also give you the phone number for the CLSC in your area.

Network of regional and community assistance groups (réseau d'action et d'entraide)

In addition, there are many regional organizations that can help families get through a separation or divorce. A lot of them are supported by the Fédération des associations de familles monoparentales et recomposées du Québec. A number of local organizations focus more specifically on providing support to fathers. Certain of these groups are members of the FAFMRQ. To find out about the organizations in your region that are affiliated with this association or for other information, contact

La Fédération des associations de familles monoparentales et recomposées du Québec
8059, boulevard Saint-Michel
Montréal (Québec) H1Z 3C9
Phone: (514) 729-6666
Fax: (514) 729-6746
Email: fafmrq@cam.org
Website: **www.cam.org/fafmrq**

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L'R des centres de femmes du Québec is a provincial umbrella organization that manages a network of 91 women's centers throughout Québec's regions. L'R can put you in contact with the center(s) for your region. These centers offer women a place where they can feel that they belong, a solution to isolation, and an action, education, and mutual help network. Some of these centers offer basic legal services or can refer you to specialized resources if need be. For information, contact

L'R des centres de femmes du Québec
110, rue Sainte-Thérèse, bureau 507
Montréal (Québec) H2Y 1E6
Phone: (514) 876-9965 - Montréal area
Fax: (514) 876-9176
Email: rfemqc@total.net

Domestic violence

S.O.S. Conjugal Violence provides victims of domestic violence with immediate assistance. The service consists of a call-in line that can be used from anywhere in Québec 24 hours a day, 7 days a week. People confronted with problems of domestic violence are encouraged to take advantage of this bilingual, free, and confidential service.

S.O.S. Conjugal Violence
Phone: (514) 873-9010 - Montréal area
1-800-363-9010 - toll-free elsewhere in Québec
Teletype machine: see page 58

Life goes on

A breakup in a couple is thought to represent one of the highest levels of stress, second only to bereavement. Separation and divorce are very difficult passages to go through. It can be helpful to seek aid or psychological support before, during, and after the breakup. Such a resource can offer the support necessary to ease the transition to a new family life.

Taking advantage of such a resource can also help improve relations between former partners during a separation or divorce. For example, when disagreements occur, partners will be more inclined to adopt a positive attitude and try to find solutions instead of attempting to cast blame.

Moreover, during a separation or divorce, parents often have to delve deeply into themselves in order to make the right decisions. They want to act in the best interests of their children in making decisions that concern them, while

considering their own personal interests as well. Since a breakup entails change for all family members, it is vital to take the needs of everyone into account when deciding how the family is to be restructured.

Children and separation

When a separation occurs, parents are preoccupied with the welfare of their children. One good way of helping them adapt to the new family situation is to actively continue being a parent to them. Doing so will preserve family ties that will allow them to grow easily into adulthood. By helping children deal with separation and divorce, you will equip them well to face other life difficulties in the years ahead.

The tell-tale signs that indicate children are experiencing problems with a breakup include their reactions in general, their perception and understanding of the separation, and their performance at school. Attentive parents will use their judgment when deciding if the situation warrants consulting a professional or obtaining help from community organizations. CLSCs (local community service centers) can put them in touch with a number of resources for coping with such situations.

Support for parents

Health Canada has published a free guide, *Because Life Goes On: Helping Children and Youth Live with Separation and Divorce*. This guide contains much practical advice that can help parents cope with separation and divorce. Specifically, the guide contains a detailed explanation of how children react when faced with a breakup, according to their age. The psychological aspect of a breakup is demystified and explained, so that readers gain a better understanding of the human reactions of both the couple and the children.

The guide can be obtained directly by fax, by filling out the order form available on the Website, or by writing Health Canada at the following address. You may also consult or order the guide at **www.hc-sc.gc.ca/hppb/sante-mentale/psm/index.html** (Publications).

Health Canada Communications/Publications
Address Locator:
0900C2 Brooke Claxton Building
Tunney's Pasture
Ottawa, Ontario K1A 0K9
Phone: (613) 954-5995
Fax: (613) 941-5366
Teletype machine: see page 58
Website: **www.hc-sc.qc.ca/hppb/sante-mentale/psm/index.html** (publications)

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Legal Aspects

It is important to note that only the information session on family mediation is mandatory under the law for couples with dependent children who have a dispute and intend to go to court.

Choosing Family Mediation

The **family mediation program** is for **couples with dependent child**, whether they were legally married or common law couples, who:

- Are separated or divorced, or about to be
- Disagree about questions relating to custody of the children, access arrangements, support payments, separation of property (referred to in legal terms as "family patrimony"), and other related financial matters and
- Plan to go to court.

Aims of mediation

A committee made up of various organizations and resource persons in the field was struck by the Ministère de la Justice to verify whether the Act's objectives were being met. You can consult the committee's various reports on the Ministère de la Justice Website at **www.justice.gouv.qc.ca**.

The *Act to institute pre-hearing mediation in family law cases under the Code of Civil Procedure* and to amend other provisions of the code, passed on June 13, 1997, constitutes a new approach designed to reduce conflict. Separating or getting divorced out of court, when possible, is a much less distressing experience than taking disputes to court, and is generally less expensive. Mediation is always subject to respect for privacy and rules of confidentiality. Either of the partners or the mediator can stop the mediation process at any point without having to justify doing so. It should be noted that mediation is not suitable in the case of couples with problems relating to abuse of power (a manipulative spouse), violence, neglect, or drug or alcohol abuse.

Role of mediator

A mediator's mission is not to be confused with that of a therapist, despite the fact that a mediator's role does involve facilitating discussion. The mediator must provide the necessary information (but not legal advice) so that the law is respected when decisions are taken regarding child custody and access rights, support payments, division of family property (or patrimony), as well as the present and future financial aspects of these questions. The mediator will also prepare, in cooperation with the couple, a draft agreement (which is not a legal document) that can serve as a basis for preparing proceedings to be submitted to a court. Because the mediator must be impartial, one should not count on the mediator to settle disputes. Moreover, ex-partners will need their own lawyers—both in order to assure that the draft agreement does not penalize them and also to put the draft agreement into legal form.

Family mediation program

Since September 1, 1997, **married or common law couples, who have dependent child** and who are going through a separation, divorce or review of a judgment have access, within the limits provided for by the law, to the services of an accredited mediator. Mediation can take place before or after a lawsuit is filed. The parties choose an accredited mediator together from a professional association. The government family mediation program pays the fees for a maximum of **six meetings** with an accredited mediator in the case of a first application. If additional sessions are required to finalize a draft agreement, the couple will have to pay for them. For changes to a judgment, the parties are entitled to **three other free sessions**. To be eligible for this free service, the spouses must make sure that the mediator who they have chosen is accredited and that the fees charged are $95 per session, the rate set by law. If the fees are higher than $95 for each appointment, the couple do not qualify for the government program and must pay the professional's fees in full.

A list of accredited mediators is available for consultation in all courthouses. You can also look for a mediator in the yellow pages of the phone book under *Mediation Services*. As of July 1998, there were about 1,300 accredited mediators throughout Québec. The Québec government allows five professional associations to accredit their members:

Barreau du Québec (Québec Bar Association)
Montréal region: (514) 954-3458
Elsewhere in Québec: 1-800-361-8495, ext. 458

Chambre des notaires du Québec (notaries)
Montréal region: (514) 879-1793
Elsewhere in Québec: 1-800-263-1793

Ordre professionnel des conseillers et conseillères d'orientation et des psychoéducateurs et psychoéducatrices du Québec (counseling specialists)
Montréal region: (514) 737-4717
Elsewhere in Québec: 1-800-363-2643

Ordre des psychologues du Québec (psychologists)
Montréal region: (514) 738-1223
Elsewhere in Québec: 1-800-561-1223

Ordre professionnel des travailleurs sociaux du Québec (social workers)
Montréal region: (514) 731-3925
Elsewhere in Québec: 1-888-731-9420

Youth centers are also authorized to accredit their employees
Montréal region: (514) 393-2285
Montérégie region: (450) 679-0140
Québec City region: (418) 649-3516
Laval region: (450) 975-4150
Chaudière-Appalaches region: (418) 837-9331

The Association de médiation familiale du Québec can also provide information to assist in choosing a mediator
Montréal area: (514) 866-6769
Toll-free elsewhere in Québec: 1-800-667-7559

Some mediators offer co-mediation services and work in tandem with other professionals—in the legal or psychosocial fields, for example. In cases such as these, the client pays the fees of the second professional because the government does not cover the cost of a second specialist.

For more information about family mediation, see the Ministère de la Justice brochure entitled *Free Family Mediation, Negotiating a Fair Agreement,* available from both the Ministère de la Justice and Communication-Québec. You may also consult the Ministère de la Justice Website at **www.justice.gouv.qc.ca/anglais/publicat-a.htm** for the following key publications:

- Family Mediation, Negotiating a Fair Agreement
- Joint Application for Divorce on Draft Agreement
- Separation and Divorce
- The Québec Model for the Determination of Child Support Payments
- Table to Determine the Basic Parental Contribution
- Child Support Determination Form
- Joint Motion for Exemption

It is important to note that family mediation services are also available advantageous for couples who do not have any dependent child but want help reaching an agreement. However, these cases are not covered by the rules governing the family mediation program.

Mandatory information session

Couples with dependent children who disagree about any of the consequences of the breakup and who do not opt right away for mediation **cannot be heard by the court** without attending a mediation information session first. They have the choice between a private meeting, where the two parties talk to a mediator who they choose together, or a group session on mediation. To sign up for a group information session, all you have to do is contact the family mediation service at the courthouse in your region. The meeting lasts about an hour and a half and there are two mediators present. The information provided by them concerns the nature and aims of mediation and the legal and psychosocial aspects of the situation. For a private meeting, you need to choose an accredited mediator from one of the professional associations or organizations listed on pages 11 and 12.

Exemption from obligation to attend information session

A spouse who has **compelling** reasons for not participating in a mediation information session must advise the mediator of his/her choice. Valid reasons, which do not have to be stated, may concern major problems between the spouses, for example, the spouse's ability or psychological state, or the distance between the homes of the two spouses. Once advised, the mediator forwards a report to the mediation service at the courthouse so that it can exempt the spouse from the obligation to attend the information session.

Mediation ordered by the court

If it considers it appropriate, the court can order the spouses to go for mediation if they have not already done so. The court or the family mediation service at the courthouse then automatically appoints a mediator.

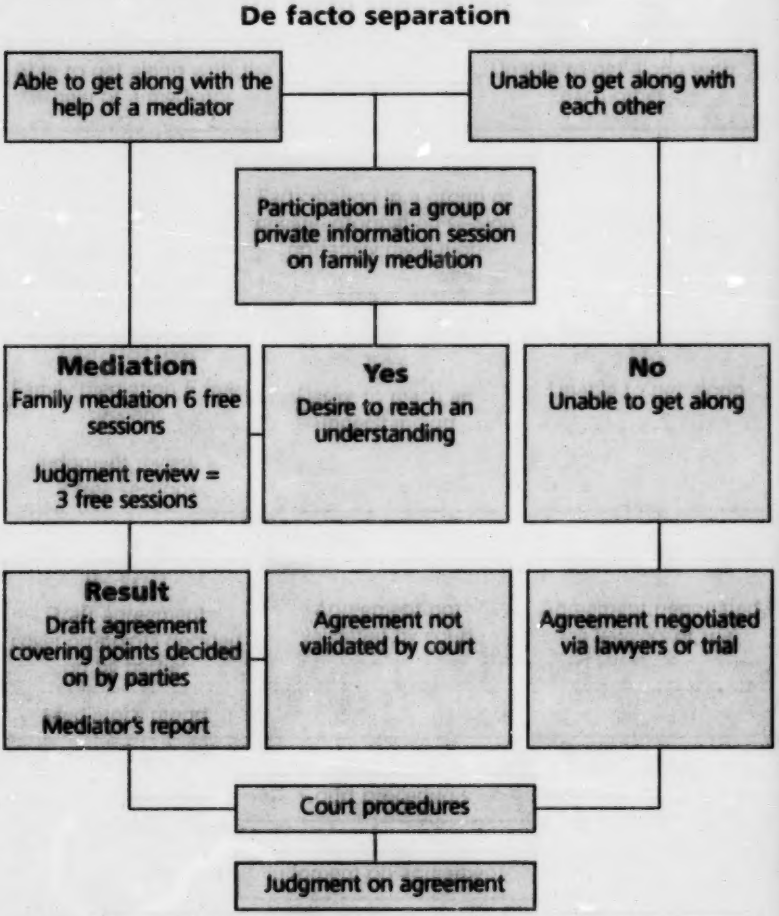
Steps following mediation

Once the mediation process is finished, it is time to give legal weight to the points agreed on and covered in the draft agreement. Some couples decide not to have the understanding reached in the course of mediation legalized. To give legal weight, or force of law, to the agreements jointly negotiated in mediation and ensure legal protection, a Court judgment, or ruling, is required (regarding separation of property, support payments, etc.). The chart below illustrates some of the options available to couples who separate.

Diagram outlines steps for the family mediation program service*

Family mediation
Prerequisite: Couple with dependent child
Exemption possible from obligation attend information session

POSSIBLE STAGES


De facto separation
Able to get along with the help of a mediator
Unable to get along with each other
Participation in a group or private information session on family mediation
Mediation
Family mediation 6 free sessions
Judgment review = 3 free sessions
Yes
Desire to reach an understanding
No
Unable to get along
Result
Draft agreement covering points decided on by parties
Mediator's report
Agreement not validated by court
Agreement negotiated via lawyers or trial
Court procedures
Judgment on agreement

* This chart can vary, depending on whether the information session or the mediation takes place before or after the suit is filed.

To find out more about the family mediation program, you can get information from:

- Any courthouse
- The Ministère de la Justice (website : **www.justice.gouv.qc.ca**)
- Professionals active in the field of family mediation (lawyers, notaries, psychologists, social workers, counseling specialists, etc.)
- Youth centers
- The professional associations referred to on pages 11 and 12.

Separation and Divorce

De facto separation

Both married and common law couples can have a de facto (or non-legal) separation.

When they break up, some couples agree on the obligations for which they are still responsible: custody and rearing of children, support payments, separation of property purchased together, etc. This is also the case with some couples who, after concluding an agreement during family mediation, decide not to have it legalized. Since they are not ratified by a court ruling, these agreements are based entirely on trust and the good intentions of the spouses: they do not offer **any legal protection** if they are not kept. In the case of a married couple, de facto separation has no effect on the matrimonial regime (family assets, partnership of acquests, etc.).

Legal separation

Legal separation, or "separation as to bed and board" as it is officially termed, only applies to married couples.

A couple can decide to legalize their separation via a court ruling. This way, arrangements for child custody, separation of property, and support are legally protected. In terms of the law, legal separation is a judicial proceeding with the main effect of relieving the spouses of the obligation to live together, while at the same time legalizing the agreement they have come to. Since it does not end the marriage, the other **legal obligations** stemming from the relationship **remain**. The bonds of marriage are not broken until the civil annulment of the marriage, divorce, or death of one of the partners.

If both spouses apply for legal separation, this is a joint action for legal separation (see section on *Separation and divorce procedure*, page 18). If one of the spouses is opposed to legal separation or if the spouses are

unable to arrive at an understanding (draft agreement) regarding arrangements, the court will not hand down a legal separation ruling except in the case of one of the following situations provided for by the law:

- At the time of the petition, the spouses were not living together
- There has been a serious failure of one of the spouses to fulfil a marital obligation; among the obligations of marriage are fidelity, contribution to the responsibilities of the household, and mutual assistance and respect
- Because of a combination of factors, their continuing to live together would not be tolerable.

Since legal separation does not end the marriage, the spouses cannot remarry. To marry someone else, they need to get a divorce first. For more information on legal separation (or "separation as to bed and board"), see the brochure *Your rights at a glance - Separation and divorce*, which can be obtained from the Ministère de la Justice, at most courthouses, or from Communication-Québec. You may also consult this and other interesting publications on the topic on the Ministère de la Justice Website at **www.justice.gouv.qc.ca**

Divorce

Divorce is a legal proceeding that ends a marriage. To get a divorce, **you do not have to apply for legal separation first**. Since 1985, all that has been required is evidence that the marriage has failed. The grounds for divorce are as follows:

- The spouses were living apart when the divorce petition was filed (**at least one year** needs to have elapsed between the **time they stopped living together** and the divorce ruling)
- The spouse being petitioned for divorce has committed adultery
- The spouse being petitioned for divorce has shown mental or physical cruelty toward the other spouse.

In reality, it is hard to oppose divorce. You can oppose any of the grounds given, however (divorce because of one year of separation, mental or physical cruelty, etc.). A motion for interim relief (custody of children, support payments, etc.) can also be opposed. A divorce ruling can be handed down by default if the spouse being petitioned for divorce fails to contest the petition or to appear at the hearing. There is no appeal against these.

Reasons

One-year separation

In the case of a couple that has been separated for a year, one of the spouses can file for divorce or they both can jointly. There is no need to say that one or the other is to blame for the breakup. A divorce petition can be filed at the time of the breakup but the judgment, or decree, will not be handed down until **one year** has elapsed since the couple **stopped living together**.

Adultery

Since the first legal duty of spouses is to be faithful to each other, adultery supported by evidence can show that the marriage has failed. The victim of the infidelity can petition for divorce provided they have evidence of the adultery. If there is no evidence, the spouse's admission to the infidelity can be admitted as legal evidence.

Physical or mental cruelty

The testimony of the victim to physical cruelty is considered to be sufficient evidence by the courts. It is not always necessary to have a medical report, even though a report would constitute more solid evidence.

Mental cruelty is behavior on the part of one spouse towards the other that makes their living together intolerable: humiliation, harassment, excessive authoritativeness, insults, unjustified refusal to take part in sexual relations, alcohol or drug abuse, etc. To get a divorce on the grounds of mental cruelty, all important points must be noted in the evidence (dates and places, names of any witnesses) in order to strengthen the case. Your local CLSC offers resources, advice and support for people going through crises such as these.

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Separation and divorce procedure

Important papers

To facilitate the steps involved in a separation or divorce, it is important to keep important papers, bills, documents showing who an item belongs to, etc. In the case of couples who were married under the separation of property system, it is even more important that each spouse retains exclusive ownership of their property. In the case of common-law couples, each spouse must keep all bills or documents proving ownership of property in case they break up.

Lawyers

Most lawyers charge an hourly rate; in these cases, one should remember that all professional services and expenses are billed. Billings rates and methods can vary from one lawyer to the next according to the number of years of experience, specialty, etc. Under certain circumstances, when it is possible to predict what the ruling will be, some lawyers will request a lump-sum amount to cover all services. If one's financial situation is precarious, legal aid may be available (see page 20).

Lawyers are **required to state rates** and any other foreseeable expenses during the first consultation. Most lawyers will have clients sign a contract for professional services rendered, stating fees and any other details the lawyer and client have agreed to.

You should be well prepared for your first appointment with your lawyer. Make sure that you have all the documents and information you need with you:

- Marriage contract, if applicable
- Marriage certificate or a copy of marriage certificate
- Originals or photocopies of birth certificates for both partners and any children. To obtain certificates of births and marriages **registered in Québec**, complete a certificate application form available from Communication-Québec or any Registrar of Civil Status office (cost: $15 per certificate, $20 per license), from certain municipalities (except Montréal), Caisses populaires (credit unions) and CLSCs.

For further information, contact the Registrar of Civil Status:
Québec City area: (418) 643-3900
Montréal area: (514) 864-3900
Elsewhere in Québec: 1-800-567-3900
Fax: (418) 646-3255
Website: www.etatcivil.gouv.qc.ca
Email: etatciv@riq.qc.ca

- Last address shared by the couple and current address for each spouse
- Brief list of property and debts acquired by the couple, with invoices and statements
- Explanation of grounds for petition and corollary relief (use of family residence, etc.)
- Any other useful papers.

Prior to the first meeting with a lawyer, it is a good idea to write down all the questions you may want to ask. During the meeting, it is also recommended to note the lawyer's answers or other important information so as not to forget anything. If one of the spouses cannot pay lawyers' fees and is not eligible for legal aid, they can ask the court to order the other spouse to pay them an amount to cover the costs involved. This is called a motion to provide for costs.

Divorcing with the help of a lawyer

You may need the services of a lawyer to handle the legal proceedings. It is important to note, though, that **only lawyers admitted to the Québec bar** can represent you and file your petition. During the proceedings aimed at a separation or divorce ruling, you can file a motion for interim relief. These measures are designed to settle urgent matters involving support payments, use of the family residence, child custody and access, and any related financial matters until such time as a final divorce decree is handed down.

The divorce takes effect on the thirty-first day after the ruling is made. During the thirty-day period in between, the judgment can be appealed if it is believed that a mistake has been made. In this case, the divorce does not take effect until the appeal has been heard and ruled on. The appeal deadline is thirty days. The divorce certificate, issued free of charge by the courthouse, constitutes proof of your change in civil status. Additional copies may be obtained by contacting the clerk of the district superior court where the judgment was handed down.

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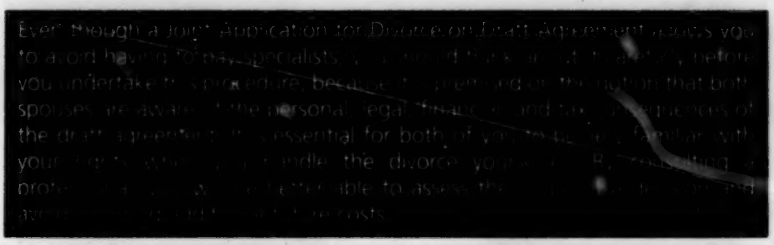
Legal aid

It costs money when you instigate legal proceedings: lawyer's fees, court costs, bailiff's fees, etc. People with a low income can apply for legal aid so that these costs will be partly or entirely free or for the services of a lawyer of their choice who agrees to accept legal aid cases.

When establishing eligibility for legal aid, the family income and all property is taken into account. Legal aid can be granted for free or for an amount determined in keeping with income. You can find out about the legal aid offices in your region or get the pamphlet *More Legal Aid Expertise Available Free or For A Small Fee*! from Communication-Québec.

Divorcing without the help of a lawyer

The law allows you to get a legal separation or divorce without hiring a lawyer. Married couples generally apply for divorce together after they have been separated for one year, and once they have settled all the consequences of their divorce.



To learn how to prepare a joint application, which documents must be included, and the legal format that the application must take, couples may consult the brochure entitled *Joint Application for Divorce on Draft Agreement* published by the Ministère de la Justice. It is also possible to access this document via the Internet (**www.justice.gouv.qc.ca**). When couples choose to proceed by joint application, it is important to precisely indicate the details of agreements reached while making every effort to plan as far ahead as possible. For example, it is preferable to state **the end date for support payments** by using terms such as: "when the child is of legal age and becomes financially independent," or "when the child is of legal age and has completed a full-time program of university-level studies," etc. Proceeding in such a fashion will help avoid the necessity of returning to court to terminate child support payments, which would incur additional fees.

Spouses who are in agreement on all aspects of their breakup can decide to prepare their own joint application for legal separation, or for divorce, on draft agreement. They must fill out and include the child support determination form (Schedule 1) in their application and have their agreement certified by a person qualified to take oaths (the services of a notary public are available from the Clerk's Office in courthouses and at Communication-Québec). All required papers and documents should be attached: mediator's report, provincial and federal income tax returns, sworn declaration of revenue for each partner (form number 827.5, available at the Clerk's Office in courthouses), notices of assessment, most recent pay stubs, financial statements, etc.

For the joint application, the partners write up and sign a written declaration or agreement on legal-size paper (8 1/2" x 14"), setting down in detail all the points to which they have agreed. The entire file will then be submitted to the clerk of the court, who will verify that:

- The agreement complies with the law
- Support payments are calculated in keeping with the *Act respecting the determination of child support payments;* and
- Any departure from the law is justified, reasonable, and in the best interest of the children and the two parties.

When a couple wishes to be legally separated, it is possible to file an application with the court without using the services of a lawyer. What is more, a spouse can represent him/herself, i.e., without a lawyer, if the proceeding is contested—whether or not this person was the one who filed suit. The brochure *Joint Application for Divorce on Draft Agreement* published by the Ministère de la Justice will be useful for preparing a request for legal separation. In such cases, you may simply adapt the sample document to your specific circumstances.

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Effects of Legal Separation and Divorce

Effects of legal separation

Legal separation does not end the marriage. It does however enable the spouses to:

- Stop living together
- divide up the family assets, if this has not already been done
- settle the matrimonial regime, if this has not already been settled (spouses are now governed by the rules of the separation of property regime)
- Make separation arrangements (for custody of children, support payments or compensatory allowance, etc.) and settle related financial matters (these arrangements are referred to as corollary relief); and
- **Inherit from the other spouse in the event of their dying intestate**, i.e., without a will (since legal separation does not end the marriage, the spouses remain legal heirs).

Effects of divorce

Divorce **puts an end** to the legal rights and obligations of spouses with regard to each other. It allows them to:

- Divide up the family assets, if they have not already done so
- Settle the matrimonial regime, if they have not already done so
- Settle arrangements for interim relief (custody of children, access rights, support payments, compensatory allowance, etc.); and
- Remarry in a civil ceremony (to remarry in the Catholic church, a religious annulment of the marriage needs to be obtained first, unless the former spouse has died, see page 30; for other religions or confessions, check with religious authorities).

With respect to financial obligation, it should be noted that an exception exists in cases where one spouse is an immigrant sponsored by the other spouse (see page 47).

Following a breakup, separation or divorce, it is important to notify government agencies of your change of address and, in some cases, of your change in civil status. The Communication-Québec guide *Change of Address* can provide you with information about these agencies. Many of them are mentioned in the guide and an index at the beginning helps you look them up quickly.

Principles of family patrimony

All married couples, **except those who legally renounced** family patrimony before December 31, 1990, those who had already applied for this in conjunction with a legal proceeding before May 15, 1989, or those who had been separated for several years prior to this date and had settled all the details of their separation, are subject to the *Act respecting family patrimony*, regardless of their matrimonial regime or the provisions of their will. This Act recognizes the equality of the spouses and protects the person who has the **fewest financial resources**.

As a rule, with divorce or legal separation, **each spouse is entitled to receive one half of the value of the family patrimony**. When the family patrimony is being evaluated, it is sometimes possible to point out reasons proving that the separation of property provided for by the Act would be unfair. The family patrimony includes certain property or items that one spouse or the other may own:

- Primary or secondary residences used by the family or the rights conferred by their use
- Furniture in the residences that is used by the family
- Motor vehicles used by the family
- Income accumulated by each of the spouses in RRSPs, private or public group pension plans (CARRA), as well as employment income registered with the Québec Pension Plan and the Canada Pension Plan (see page 48)

Property excluded from family patrimony

All property that is not specifically included in the patrimony is excluded from it. For example:

- Property received as an inheritance or a gift either before or during the marriage, and items acquired with this property as well as their value-added
- Personal property bought and paid for in full before the marriage
- Profit from the sale of property purchased before the marriage and used to buy or improve family patrimony during the marriage

- Money, regardless of where it comes from (salary, savings, bank investments, etc.)
- Income property, businesses, etc.
- The Québec Pension Plan, if the marriage is dissolved because of the death of one of the spouses; the spouse is then entitled to the survivor benefit (death benefit) granted by the Québec Pension Plan
- Pension benefits if the marriage is dissolved because of the death of one of the spouses and this person had named the surviving spouse as their pension plan beneficiary; the designated spouse then inherits all the income from the pension plan without having to share it with the deceased's heirs.

Seizure prior to ruling

For reasons considered to be compelling, it is possible for property to be seized prior to a court ruling if one of the spouses is afraid that the other will sell or destroy part of the family patrimony or that it will deteriorate.

Renunciation of family patrimony

It is well advised to find out all you can about your rights and the consequences of renouncing family patrimony.

It is possible to avoid separation of family patrimony in the following cases:

- If the spouses signed a full or partial renunciation before a notary prior to December 31, 1990
- If the spouses have renounced it jointly, in full or in part, in conjunction with judicial proceedings for legal separation, divorce, or marriage annulment, provided the renunciation was confirmed by the court
- If a spouse has partly or completely renounced his/her share after a ruling of legal separation, divorce, or marriage annulment, or after the death of the other spouse.

Family residence

The family residence is the place where family members normally live and go about their routine activities. A spouse cannot dispose of the family residence or the furnishings that are for the family's use without the consent of the other spouse. Anyone who does not abide by this obligation set out in the *Civil Code* is liable to be sued for damages. If a spouse did not consent to the sale of the family residence, this person can have the transaction

voided easily if a **declaration of family residence** was registered beforehand. Either of the spouses can make the declaration or they can make it together. A spouse who makes the declaration on his/her own does not have to inform the other spouse. When one spouse is the sole owner of the house, the family residence declaration aims at preventing this person from selling, mortgaging, or renting the house **without the written consent** of the other spouse. This protection is limited and does not grant any right of ownership or use of the house.

Declaration of family residence

This protection is not necessary if the spouses are co-owners of the residence or have both signed the lease, because the consent of the other is required in these cases before the family residence can be sold. You can get a family residence declaration form from any Registry Office. For the telephone number and address of the one closest to you, check the blue pages in your phone book in the *Gouvernement du Québec* section under Ministère de la Justice, Bureau de la publicité des droits, or refer to the keyword section of the new government blue pages. You will also be asked to fill out an address notice form as an extra precaution and the address notice on the family residence will be registered. This way, the spouse who is not the owner will be informed of any legal proceedings, seizure, or default on payment relating to this residence.

Some notarized contracts include a clause in this regard when a property is being purchased. Since 1982, the apartment lease form also includes a clause to this effect. For leases that go back longer, a notice to the lessor is enough to protect the family residence, so that a spouse cannot sublet the apartment or cancel the lease unless the other spouse agrees.

Effects of protection provided by declaration of family residence

For owners:

- **Single-family homes**: Neither of the spouses may sell or mortgage the property without the consent of the other.
- **Buildings with fewer than five apartments**: Once the spouse who is the owner has made their declaration, they cannot dispose of (sell, rent, or mortgage) the family residence without the consent of the other. If they do, the wronged spouse can have the deed cancelled or receive financial compensation.
- **Buildings with five apartments or more**: The other spouse cannot have the deed cancelled but is entitled to demand that the new owner agree to their renting the premises already occupied by the family for residential purposes.

For tenants:

If the spouses are **tenants** of the residence, neither of the spouses can terminate the lease or sublet the apartment without the written consent of the other. If one of the spouses does this, the transaction can be cancelled or the injured party can demand financial compensation.

No matter what the circumstances are, when the family residence is rented, the fact that the tenants have divorced **does not terminate their lease**. The spouse who stays in the apartment must notify the landlord, however, within two months of the date that the other spouse left, to say that they will now be assuming responsibility for the rent on their own. If neither one of the spouses wants to continue staying in the apartment, the lease that was signed nevertheless remains valid and the owner is entitled to demand payment of the rent. You will therefore need to make arrangements with the owner.

For common law couples:

Protection of the family residence does not apply to common law couples.

The only protection they have access to is joint ownership if they are **co-owners** of the residence. If the common law partners signed a contract or cohabitation agreement and then separate, a separation action can be brought before the court if they disagree as to how their joint property is to be separated.

Matrimonial regimes

Property that is not part of the family patrimony is subject to the rules of the legal matrimonial regime: **partnership of acquests, separation of property, or community of property**. Couples who signed a marriage contract under one of these regimes should refer to it after separation of the patrimony.

All couples married after July 1, 1970, who did not sign a notarized marriage contract are subject to the partnership of acquests regime. The Ministère de la Justice folder *Marriage* can give you more information about the different regimes. You can get this publication from the Ministère de la Justice, most courthouses, or from Communication-Québec.

Civil annulment of marriage

Civil annulment ends a marriage for reasons quite different from those given for divorce and it has to be applied for within three years of the marriage date. The grounds stated must prove the bad faith of the other person. By bad faith, we mean that the person was dishonest in that they married despite the fact that they were aware of the existence of certain legal obstacles—the minimum age required for marriage or bigamy, for example.

Religious annulment of marriage

Divorce only puts an end to the **civil effects** of marriage. Although there is nothing to prevent divorced people from practicing their religion, if they wish to remarry in the Catholic Church, they need a decree of annulment from an **ecclesiastical court**. Preferably, the civil aspects should be dealt with first. Ideally. this means that a divorce or civil annulment needs to be pronounced before applying to the Catholic Church for religious annulment.

For information on how to apply for annulment of a marriage in the Catholic Church, check with your local church authorities.

Even though the Catholic Church is opposed to divorce, it does recognize certain grounds that can justify the annulment of a religious marriage: **obstacles to the marriage** (e.g. a spouse wedded under the minimum age), **formal problems** (e.g. marriage ceremony not in compliance with Church rules), **or consent problems** (e.g. one of the spouses forced to marry against their will). Other grounds include the spouses' being related to each other, bigamy, non-consummation of the marriage, physical inadequacy (impotence), mental illness, and lack of judgment or inability to fulfill the basic obligations of marriage.

A decree of marriage annulment by the Catholic Church costs between $1,000 and $2,000. The amount is determined by the diocese and the process generally takes less than two years. The ecclesiastical court makes its decision known once it has met with the spouses and witnesses. For the religious annulment of a marriage in another religion, we recommend that you ask the religious community concerned for information.

Common Law Couples

A common law couple is comprised of two persons who live together as spouses without being legally married. They are not covered by a matrimonial regime.

The *Civil Code of Québec* chose not to give any legal status to such couples who live together, no matter how many years they have been together, out of respect for their free will. The legal status of a common law spouses with regard to each other is that of two persons living together without any rights or duties with respect to each other. They are not bound by any obligations whatsoever—regardless of how long they have been together.

However, even though the *Civil Code of Québec* does not regulate their status, certain government departments and agencies treat common law spouses the same as they do married spouses—both in the case of same-sex couples and couples of the opposite sex. This is the case, specifically, with matters relating to social assistance, legal aid, income tax, the Québec Pension Plan, compensation of victims of criminal acts and of industrial accidents, etc. To see what your rights are under the laws governing these matters, you should check with the department or agency concerned and find out what their respective requirements are because they sometimes vary.

Common law couples do not need a legal procedure to end their relationship. However, in cases where parents disagree, they must go to court to obtain a ruling on child custody, visiting rights, and child support payments.

Cohabitation contracts

With civil laws and most other statutes, cohabitation (living together, common law couples) does not confer any rights. Common law spouses are not obliged to see to each other's needs or to take on responsibility for the household. The family residence is not protected as it is with marriage. If a spouse dies, there is a huge difference between the situation of common law couples and that of couples who are legally married. For example, a common law spouse does not inherit from their partner unless they have been officially named as an heir **in a will**.

When common law spouses stop living together, they are considered like two strangers—two people without any obligations towards each other who stop having any contact with each other—and, in theory, neither of them owes anything whatsoever to the other merely because they used to live

together. This is why it is important for people who decide to live as common law spouses to plan how any property they purchase together should be managed, separated, and distributed if they break up. They can do this by signing a cohabitation contract or common law contract. This contract might specify the exact value of the assets of each spouse, include a list of all household property and the name of the person who owns each item, and spell out how the property is to be divided up if they stop living together. Each spouse should keep their bills or invoices, because they constitute proof of ownership. The cohabitation contract can be written up by a lawyer or a notary, or the parties can compose it themselves. Then, if they separate, their property will be separated according to the terms of this contract.

The Ministère de la Justice folder *De Facto Union* gives more information about this. It can be obtained from the Ministère de la Justice, most courthouses, or from Communication-Québec. Les Publications du Québec sells a pamphlet entitled *Living Together*, which will provide you with much useful information on this subject. See the bibliography at the end of this brochure for a complete reference.

Separation agreements

Common law couples can also sign a separation agreement with or without the help of a professional. Separation agreements stipulate such things as how property is to be divided and other details resulting from a separation. While they may not be related to the compensatory allowance received by one of the spouses, certain reasons may be invoked by a common law spouse for unjustified enrichment. In such cases, it is worthwhile contacting a legal advisor to find out exactly what your rights are.

Common law spouses have **no obligation whatsoever to provide each other with support. The support or maintenance obligation applies only to their children**. There is no difference between married parents and common law parents as far as their obligations towards their children are concerned. If they disagree about child support, the court will decide for common law spouses. The table on the next page summarizes the different steps involved in a legal separation and in a divorce.

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Summary of Steps Involved

Case Number 1

Common law spouses without children

Stop living together = no legal proceeding
Each spouse keeps the property belonging to them
(either according to the terms of a cohabitation contract or an understanding between them)

Case Number 2

Common law spouses with children

Stop living together = petition for custody
and child support = judgment (ruling)

Case Number 3

Married spouses with or without children

Legal Proceedings	=	**Result**
action for legal separation	+	**judgment granting separation**
motion for interim relief		**corollary relief**
use of furniture		separation of family patrimony
use of residence		separation of matrimonial regime
custody of children		custody of children
support payments		support payments
other arrangements (use of motor vehicle, use of cottage)		compensatory allowance
etc.		etc.

Or

Legal Proceedings	=	**Result**
petition for divorce	+	**divorce ruling (degree)**
motion for interim relief		**corollary relief**
Grounds can be		
infidelity		separation of family patrimony
physical cruelty		separation of matrimonial regime
mental cruelty		custody of children
separated for one year		support
(as of judgment date)		payments
use of furniture		compensatory allowance
use of residence		etc.
custody of children		
support payments		
etc.		

Note: You do not have to have a legal separation in order to file for divorce.

Custody of the Children

As far as the division of time spent with children is concerned, the main criterion taken into account is **the best interests of the children**.

When deciding on custody and how much time each parent spends with children, the judge considers the following factors:

- Age and sex of the children
- Age and conduct of the parents
- The child's opinion (with children between 10 and 14, the judge can ask for the children's opinion, without necessarily granting their wishes; with children between 14 and 18, the judge can take their wishes into account)
- Possibility of providing a stable home
- Psychological stability of the children and their parents
- The physical environment
- Emotional ties between the children and each of the parents
- Intellectual development
- Moral or religious factors, etc.

Youth centers offer psychosocial services for cases where the partners are in disagreement. In the course of the proceedings, the judge may ask for an expert's advice in the form of a psychosocial assessment. The expert's assessment report helps the judge evaluate the couple's parenting skills and decide who should have custody of the children in addition to being useful when it comes to deciding on other measures, or relief. The court is not bound by the recommendations of the expert. At this stage, the parties can hire a private expert if they wish and any assessment filed before the court can be contested. Finally, the important thing to remember is that the court always aims at the best interests of the child.

Parents' legal rights and obligations

The **father and the mother** have the same rights and obligations with respect to the upbringing, supervision, and maintenance of their children. They have joint parental authority, whether they are married, common law spouses, separated, divorced, or about to be. To settle questions stemming from their parental responsibilities, especially with regard to support payments, access rights, and custody, the spouses can apply for a court ruling to give force of law to their decisions.

Access

Access arrangements can be agreed upon by the parents. Their agreement can then be submitted to court to give it legal weight. If the spouses are unable to agree, the judge will settle the matter with the best interests of the children in mind. There are all kinds of possibilities for access. In some cases, the other parent is to be supervised when spending time with the children and in others, access may even be denied—in the case of a child who is an incest victim, for example. The judge may decide that it is in the best interests of the child not to see a parent, or only to see them when supervised. Some community organizations can help you find resources that allow you to spend time with your children "on neutral ground." Your nearest CLSC can have suggestions. Sometimes these meetings are held at the family's home.

Sole custody

With sole custody, the custodial parent has responsibility for the children (unless the judge decides otherwise, in exceptional cases). The non-custodial parent has access rights. The non-custodial parent might spend every other weekend with the children, for example, and half of the Christmas holidays and summer vacation. The terms of the agreement reached by the couple are laid out in the ruling. It is important to note that the non-custodial parent retains obligations towards the children and has the right to be consulted when important decisions concern them (choice of school, decision to undergo plastic surgery, etc.). Support payments help the custodial parent who looks after the children full-time to meet the children's physical needs.

Joint custody

With joint custody, both parents have legal custody of their children and they decide how much time each of them will spend with them. They also decide together on what is best for the children in terms of their upbringing, parental authority, and their health and well-being. *The main requirement for a joint custody award by the judge is for the parents to get along with each other.* The best interests of the children always come first, however.

Custody is considered to be shared (i.e., joint custody) when each parent spends at least **40% of the time with their children**. In concrete terms, one might say that this means 146 days and more a year. However, there are many different ways of organizing joint custody. For example, a child might spend one week with one parent, then one week with the other. All these details are laid out in the agreement reached by the couple in family mediation. For example, the dates and start times of weekends on which they have custody as well as special holidays or vacations are specified in the agreement sanctioned by the Court.

Review or alteration of agreements

Decisions concerning custody and child support are never final. A significant change in the situation of either of the parents or in that of the child—a parent's losing a job, a raise in salary, moving to another city, etc.—can call for the initial agreement to be reviewed or changed. If the parents cannot reach an understanding, a new petition needs to be filed in order to change the original ruling.

When the parents are in agreement on all the changes to be made to the original ruling, they may request that the special clerk of the court ratify their joint agreement without having to go before a judge. This shortened procedure has the force of law. If, however, the two are in disagreement, they must go before the court to resolve the issue.

Grandparents' rights

It should be remembered that separation of the parents in no way cancels grandparents' rights to access when it comes to their grandchildren. A mother or father may not, barring a serious reason, block interpersonal relationships between children and grandchildren. It is preferable and in the best interests of children that parents do what is necessary to conserve ties between grandchildren and grandparents. If the parties are unable to reach an agreement, the matter will be ruled on by the court. The question of child support is treated on page 36.

Grandparents of modest financial means can obtain legal aid for a small fee or free of charge (see the brochure *More Legal Aid Expertise Available Free or for a Small Fee*!) To find the number of a legal aid office, consult the blue pages of your phone book in the *Gouvernement du Québec* section under *Aide juridique* or refer to the keyword section of the new government blue pages.

Grandparents can obtain aid concerning their efforts to maintain ties with their grandchildren by contacting the following organization, which has recourse to free mediation if necessary.

Association G.R.A.N.D.
12, Park Place, app. 1
Westmount (Québec) H3Z 2K5
Telephone: (514) 846-0574 – Montréal area

The Principles of Support Payments

In this chapter, the creditor is the one who receives support payments and the debtor is the one who pays them. First and foremost, it must be pointed out that each and every case is different.

Child support

As a rule, where child support is concerned, the law does not set an age limit. The obligation to pay support does not automatically disappear when a child turns 18. Under the Regulation respecting the determination of child support payments, support may have to be paid to children who are no longer minors. The situation of children who are of age, i.e., who have reached the age of majority, is dealt with on a **case-to-case** basis.

Children who are of age and who live apart from their parents can apply for support from them on the condition that they are full-time students and that they meet certain requirements in terms of independence, etc. To do so, they need to apply for a court ruling. The support payments are not taxable and the court determines the amount and the payment procedure. It is possible for a parent to apply for support on behalf of a child who has reached majority and still lives with them, in which case the support is determined in keeping with the new law and existing tables in the Québec model for the determination of child support payments.

Couples who stay together assume responsibility jointly for the duties and obligations connected with supporting their children. This principle should still hold if they separate. The spouse who does not have physical custody of the children still has obligations toward them and must contribute to their upbringing and maintenance. A parent with sole custody is entitled to support payments to help cover the cost of seeing to the children's physical needs.

To determine the amount of child support to be paid, anticipated income for the current year must be taken into account, as well as the parents' last income tax returns. Other factors that could alter income also need to be weighed. Each parent must contribute to the physical needs of their children in proportion to their income. This income ratio rule is designed with fair payment of child support in mind.

The basic support amount should correspond to all the children's needs, according to the parents' income and the number of children. It includes the following nine basic needs: food, shelter, communications, household upkeep, personal care, clothing, furniture, transportation, and recreation.

Special requirements, such as childcare, postsecondary schooling, and special fees (medical care) may also be taken into consideration. The Ministère de la Justice brochure *Québec Model for the Determination of Child Support Payments* is used to calculate the amount of child support in the event of separation or divorce, provided that the person receiving the support and the child both live in Québec. If either parent lives outside Québec, however, federal rules apply for determining support payments.

This brochure gives clear, objective standards aimed at facilitating the determination of child support and at standardizing the calculation procedure. It includes the Child support determination form and table (Schedule 1), which is used to calculate how much support should be paid in keeping with the parents' income, the number of children, and the type of childcare. You may obtain a copy from the Ministère de la Justice, most courthouses, or Communication-Québec, or consult the department's Website at **www.justice.gouv.qc.ca**.

Parents need to fill out this form, together or separately, indicating their disposable income and providing certain information required to determine each spouse's contribution (for example, number of children, time spent with them, certain additional expenses for children's special needs, etc.). Professionals have access to special computer software that makes it easier to calculate child support payments. Parents may always agree to a different amount than the rules would indicate. However, they will have to justify the difference to the court, which can rule that it is not warranted or reasonable.

Spousal support

Generally speaking, spousal support payments are made to spouses who need them. Under certain special circumstances, this support may be paid for a set period of time, or a compensatory allowance or a lump-sum amount may be awarded. A spouse can apply for support in the case of a legal separation or divorce and after a separation or divorce decree has been issued in order to have the amount of support reviewed. Taxes are payable on spousal support paid to a former spouse: this support is deducted from the income of the spouse who pays it and added to the income of the spouse who receives it.

Compensatory allowance

Compensatory allowances are lump sum amounts or property given to a former spouse to compensate for their contribution to the enrichment of the other spouse during the marriage. The contribution may have taken the shape of property, services or money. It has to be proven and shown that there is a direct link between this contribution and the spouse's enrichment, however. In the course of legal separation, divorce, or civil annulment proceedings, either of the spouses can apply for a compensatory allowance. This allowance will be included in the corollary relief.

Compensatory allowances do not have the same objective as support payments: they aim to reestablish a balance in patrimony or property in keeping with the contribution of one of the spouses. To determine whether a spouse is entitled to spousal support, a lump sum compensatory payment, or both, the judge may take the following important factors into account:

- Duration of the marriage
- Degree of financial independence
- Role of each spouse during the marriage
  - time devoted to caring for the children
  - interruption of career or education
- Inability to return to the work force (disability, illness, age, etc.).

Maintenance of support obligation after death

In the event of the death of the person who pays support, the creditor may, under certain conditions and providing the request is made within 6 months of the person's death, obtain a financial contribution from the estate. This means that they might receive an amount representing either twelve months' worth of spousal support payments, six months' worth of child support payments, or 10% of the value of the estate, whichever amount is the lowest. All maintenance creditors, including the former spouse of a deceased person, who were not receiving support payments but were entitled to them can also make demands on the estate. This would be the case, for instance, of a person who is still waiting for a ruling on support payments but whose former spouse dies before the judgment is handed down.

Obligation to support grandchildren

Since June 17, 1996, grandparents have no longer been obliged to support their grandchildren under the Civil Code.

Support payments and social assistance

Social assistance or "welfare" is financial assistance provided as a last resort. Before applying for social assistance, a person needs to show what they are entitled to, with respect to support in particular. This means that they must try to reach an agreement with their spouse or, if necessary, file for a court ruling on support. In the case of common law couples, only the children are eligible for support. In the case of married couples, though, the spouses may be entitled to support as well.

It is important to note that support payments are taken into account in calculating social assistance benefits. The first $100 of the support amount is no longer deducted from the monthly social assistance payment for families with a child who was under five years of age on September 30. Consult the Ministère du Revenu du Québec leaflet entitled *Support Payments and Last-Resort Financial Assistance* available from the Ministère du Revenu du Québec or Communication-Québec.

Note

Applications for social assistance that do not reveal how much support the applicants are entitled to may be turned down or cancelled.

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Deduction and Payment of Support

Since December 1, 1995, whenever a ruling is made with regard to determination or review of support, whether for spousal support or child support, the Québec Ministère du Revenu has implemented and administered the support collection procedure, introduced by the *Act to facilitate the payment of support*. To facilitate collecting the payment and paying it to the creditor, the Ministère du Revenu will request that the employer of the spouse owing payments deduct support payments directly from their paycheque. If the debtor is not salaried, the Ministère du Revenu will ask the debtor to make payments directly according to certain conditions. The creditor will receive an amount from the Ministère du Revenu twice a month, either by direct deposit or by cheque. If the debtor is late with payments, the Ministère du Revenu can temporarily advance funds, on certain conditions.

Failure to pay

If support payments are not being made properly, the Ministère du Revenu takes steps to recover the amount owed, as provided for by the Act. If the Ministère du Revenu has already initiated such steps, the creditor does not need to take any action. If this is not the case, the creditor must contact the Courthouse to report the failure to pay. For general information on the support payment system, contact the Québec Ministère du Revenu at the following numbers:

Québec area at (418) 652-4413
Toll-free throughout Canada 1-800-488-2323
Teletype machine: see page 58

For any problem relative to payment of support, you should first communicate with the agent responsible for your file. If the response is unsatisfactory, contact the Perception des pensions alimentaires head office at the following numbers:

Québec City area: (418) 652-6704
Elsewhere in Québec: 1-888-400-6528, ext. 6704

Exemption from automatic deduction of support payments

It is important that ex-spouses be well informed about this option, including both the personal and financial consequences of such a decision.

If spouses are in agreement, it is possible to be exempted from the support payment deduction system administered by the Ministère du Revenu du Québec. When preparing a draft agreement for divorce or when settling on the details of support payments, this option must be specified. If a ruling has already been given, a new request signed by both parties must be presented to the clerk's office of the Superior Court. In such cases, a hearing before a judge will generally not be necessary. In every case, the debtor must supply the Ministère du Revenu with a guarantee equal to one month's payment of support within 30 days of an exemption being granted. This requirement may also be satisfied by having a financial institution provide a guarantee on the debtor's behalf. In the case of non-payment reported by the creditor, exemption from the Ministère du Revenu support collection system will be immediately cancelled.

For couples who wish to request exemption without the assistance of a professional, a sample document upon which to model requests is available from the clerk's office at the Superior Court, from the Ministère de la Justice, and at Communication-Québec offices. You may also consult the Revenue du Québec brochure entitled *Application For Exemption*, which contains useful information for those choosing exemption. It is available from both the Ministère du Revenu and Communication-Québec.

Application of the plan for support payments payable before December 1, 1995

If the debtor was already paying support when the Act came into force on December 1, 1995, in principle the support payment plan applies neither to them nor to the creditor. However, the Department will collect these payments in the following cases:

- The parties make a joint request to this effect through the clerk's office at the courthouse where the ruling was made or at the courthouse in the support recipient's district (form F99.2, available at the clerk's office of your district courthouse).
- The creditor fails to receive the support amount that was stipulated in a ruling and applies to the clerk's office at the courthouse where the ruling was made or at the courthouse in the support recipient's district (form SJ-675, available at district courthouses).

Ex-spouse debtor resides outside Québec

In cases where the ex-spouse owing payments resides outside Québec, payments must be collected according to the provisions of the *Reciprocal Enforcement of Maintenance Orders* when an agreement exists with the province, state, or territory where the creditor lives. The Ministère de la Justice du Québec will act as intermediary between the Ministère du Revenu and the agency responsible for such procedures in the province, state or territory concerned. In cases where the creditor does not live in a province, state, or territory covered by such an agreement, the creditor must seek the assistance of a lawyer who practices international law.

You can obtain a copy of the Ministère du Revenu du Québec leaflet entitled *Collection of Support: When the Debtor or Creditor Resides Outside Québec* by contacting your local Communication-Québec office. If you require further information, you may also contact the Direction des communications at the Ministère de la Justice du Québec:

Édifice Louis-Philippe Pigeon
1200, rte. de l'Église, 6e étage
Sainte-Foy (Québec) G1V 4M1

Phone: (418) 643-5140 or (418) 644-3947
Fax: (418) 646-4449
Website: www.justice.gouv.qc.ca

Review of a ruling according support

If the situation of either of the parents or the child changes significantly, or if circumstances warrant it, the initial ruling on support can be reviewed or changed. A new **ruling** is necessary to modify an earlier judgement that granted support. The Ministère du Revenu does not have the power to modify rulings.

Simplified procedure

A request, written and signed by both spouses, can be presented to the clerk's office at the Superior Court. The clerk's office has the power to give an agreement legal weight only when the parents are in perfect agreement on all points, including custody, support (whether an increase or a decrease), access rights, etc. In such a case, the ex-spouses are not obliged to go to court and the clerk's decision must be enforced. To hand down a decision, the clerk must ensure that the children's interests are preserved and that the parties have consented **freely and with a clear understanding** of the consequences.

Indexation of support payments

The Civil Code provides for automatic indexation of the support payment amount every year on the first of January, in keeping with the annual pension index determined under the *Act respecting the Québec Pension Plan* (1.5% in 1997, 1.9% in 1998, 0.9% in 1999, 1.6% in 2000, 2.5% in 2001 and 3% in 2002). Indexation applies to all judgments handed down since January 1, 1998, that award support unless the judge has specified otherwise.

End of collection of child support payments

The following are likely to end payment of child support:

- The date indicated in the ruling on child support
- Death of the debtor
- A reinstatement of shared living arrangements (under certain conditions)
- A new ruling that cancels support.

Are you experiencing financial difficulties?

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25 offices throughout Quebec to serve you

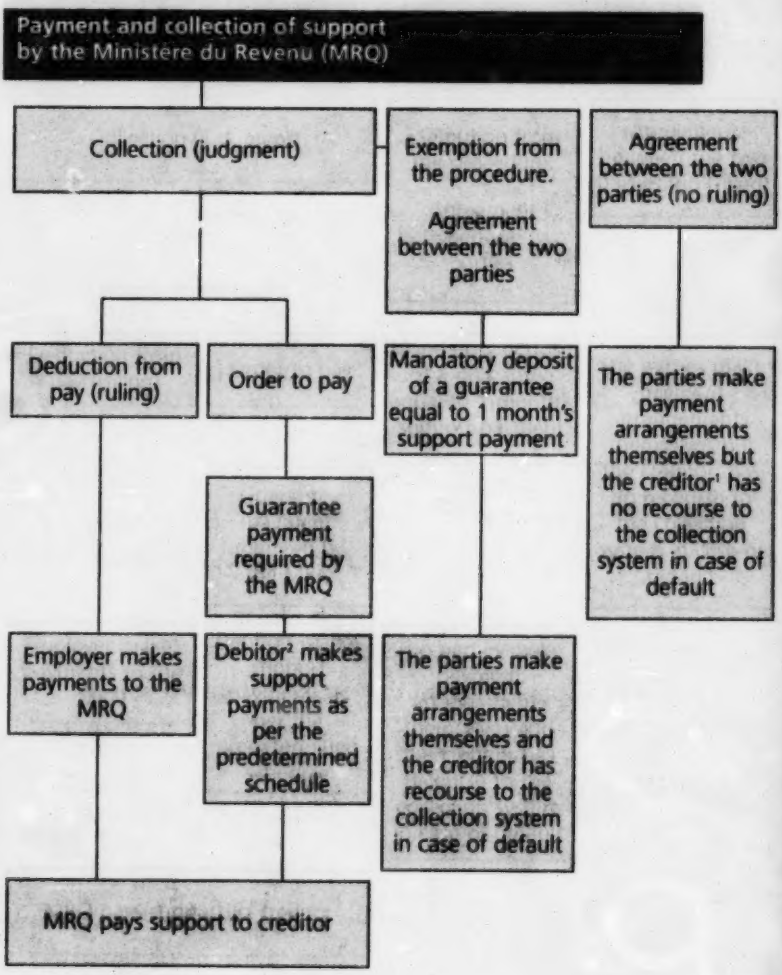
Outaouais Region	Estrie Region	East of Quebec Region	Montreal Region
Laura Pereira Marc Lafrenière (819) 770-9833	Nathalie Turcotte Pierre Guay (819) 563-2166	Jasmine Lévesque Jocelyn Renaud (418) 647-3078 1 866 666-3078	Josée Bourgeois Nathalie Brault (514) 393-4813

Raymond Chabot Inc.

«Insolvency Counsellors»

www.faillite.rcgt.com

Simplified diagram summarizing the steps for collection and payment of support


Payment and collection of support by the Ministère du Revenu (MRQ)
Collection (judgment)
Exemption from the procedure.
Agreement between the two parties
Agreement between the two parties (no ruling)
Deduction from pay (ruling)
Order to pay
Mandatory deposit of a guarantee equal to 1 month's support payment
The parties make payment arrangements themselves but the creditor[1] has no recourse to the collection system in case of default
Guarantee payment required by the MRQ
Employer makes payments to the MRQ
Debitor[2] makes support payments as per the predetermined schedule
The parties make payment arrangements themselves and the creditor has recourse to the collection system in case of default
MRQ pays support to creditor

1. Creditor: person receiving support.
2. Debtor: person paying support the 1st and 16th of each month

Changing names

The wife's name

Women married before April 2, 1981, often use their husband's last name. After a marriage breakup, many women prefer to revert to using their maiden name. No legal proceeding is necessary to change back to the name you were born with, because this is the name that has always appeared in the official civil status registers. You only need to notify the government agencies and private organizations concerned of such a change. In some cases, this can mean applying for new cards or licenses (social insurance card, driver's license, etc.). Communication-Québec can provide you with information to assist you with this. It should be noted that since April 2, 1981, women who marry are obliged to keep their maiden names in order to exercise their civil rights.

The children's names

The court is the only body that can authorize changing the name of a child in the case of a change respecting filiation, such as with a paternity claim, repudiation of paternity (disowning the child), recognition of paternity, etc., or in the case of abandonment by the father or mother, or loss of parental rights. All other cases fall within the jurisdiction of the Registrar of Civil Status.

The Registrar of Civil Status has jurisdiction to authorize a change of the surname or first name of a person who has attained the age of majority. The name change is made provided the reasons given are considered serious, and administrative fees are charged. The Registrar of Civil Status can also authorize a parent to have their surname added to the child's surname as shown on the birth certificate. For example, following a divorce Lucie Parent asks to have her name added to that of her daughter, so that she will be called Julie Parent-Breton. In this case, the other parent must be notified but their consent is not required. To **remove** the name of one of the parents, however, the consent of the other parent is usually required, unless it can be proved that there are compelling grounds for doing this.

For information on name changes, please contact:

In Québec:
Registrar of Civil Status
Service du changement de nom
205, rue Montmagny
Québec (Québec) G1N 2Z9
Telephone: (418) 643-3900 - Québec City area
Fax: (418) 646-3255
1-800-567-3900 - toll-free elsewhere in Québec
Website: **www.etatcivil.gouv.qc.ca**
Email: etatcivil@riq.qc.ca

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In Montréal:
Registrar of Civil Status
Service du changement de nom
2050, rue de Bleury, 6e étage
Montréal (Québec) H3A 2J5
Telephone: (514) 864-3900 - Montréal area
Fax: (514) 864-4563
1-800-567-3900 - toll-free elsewhere in Québec
Website: www.etatcivil.gouv.qc.ca
Email: etatcivil@dlr.gouv.qc.ca

You can also contact the Registrar of Civil Status about any other matter relating to civil status or consult the corresponding Internet site at **www.riq.qc.ca/etatcivil**. In addition, the Ministère de la Justice folder Filiation might be helpful. You can get it either from the department, most courthouses, or Communication-Québec. The Registrar of Civil Status has published a leaflet entitled *Change of Name and Designation of Sex*, which is also available from Communication-Québec.

Presumption of paternity

If a woman has a baby during her marriage or within 300 days after its dissolution or annulment through divorce, the husband is assumed to be the child's father. For example, if the child is born only a few months after his/her mother's divorce pronouncement, the legal presumption is that the former spouse is the baby's father, even if the child may in fact have been fathered by someone else. To allow the biological father to exercise his parental authority and rights, his paternity needs to be recognized by the declaration of birth, which he signs and which is registered with the Registrar of Civil Status, or by a court ruling in a case where paternity is contested. When a child is born within 300 days following a marriage's dissolution or annulment through divorce but after a mother's new marriage, the mother's new spouse will be considered the father of the child. When parents separate, these delicate matters can mean that paternity is contested and this has an effect, among other things, on payment of child support. With common law spouses, paternity is recognized via the declaration of birth signed by the child's father and registered with the Registrar of Civil Status.

Financial and Tax Consequences of Separation and Divorce

The financial picture changes a great deal with separation or divorce. It is important for each spouse to evaluate the financial impact of the change in family status. Many basic family expenses are doubled when a couple breaks up. Each spouse has to absorb their share of additional expenses in terms of housing, transportation, income tax, retirement savings, etc., even though their income generally does not increase accordingly. It may be a good idea for them to consult a financial advisor so that they can get through this stage relatively unscathed. This will also minimize the impact on the harmony of future relations between former spouses and children. Their advice will help them arrive at solutions when they need to deal with these unanticipated expenses.

The Québec Ministère du Revenu brochure *The Tax Effects of Separation and Divorce*, which you can get from both the Ministère du Revenu and Communication-Québec, can be helpful in this regard.

Taxes

New rules for tax treatment of child support

Since May 1, 1997, under the new tax rules for child support, child support payments are not included in the recipient's income anymore and can no longer be deducted from the debtor's income. These new rules **do not apply to spousal support**, however.

Regarding support judgments or rulings handed down prior to May 1, 1997, the support amount is still generally considered **taxable income for the recipient and deductible from the income of the person who pays it**. However, a couple who wishes to have the new rules applied in their case must produce a written agreement, signed by both parties, and send a copy to Revenu Québec (form TP-312, *Election to have new tax rules applied to child support*, which can be obtained from any regional Revenu Québec office or your Communication-Québec office) and to Canada Customs and Revenue Agency (formerly Revenue Canada) (form T1157, *Election for child support payments*, which you can get from any Canada Customs and Revenue Agency tax service office, at **www.ccra-adrc.gc.ca** or from Communication-Québec). If the couple does not agree on this matter or if the support amount has been changed, they must apply for a new ruling, a copy of which will be sent to Revenu Québec and to the Canada Customs and Revenue Agency.

Separation of property and family patrimony

When the spouses' property is being separated, it may be necessary to consult an expert regarding the tax impact of transferring property from one former spouse to another. For example: What would the capital gains tax exemption be in the case of a secondary residence? In the case of an income property, was any tax paid on the income before the transfer? All of these questions need to be answered in order to avoid problems that could cause relations between the former spouses to deteriorate. It should be kept in mind that several types of investments (such as RRSPs) are taxable when cashed.

Personal tax credits for source deduction purposes

A change in family status can lead to changes in the amount of federal and provincial taxes to be deducted from your pay. Filling out the Source deduction return (TP1015.3) and Personal tax credit return (TD-1) forms will let the employer know what changes to make.

Also, people who receive taxable support payments can apply for extra taxes to be deducted at source by completing form TP-1015.3 or TP-1017, *Request to Have Additional Income Tax Withheld*. This will help them avoid having to pay more taxes when they file their income tax return.

Revenu Québec and the Canada Customs and Revenue Agency (formerly Revenue Canada) can give you complete information on these changes. You'll find their phone numbers in the blue pages of your phone book, under *Revenu* in the *Gouvernement du Québec* section and under *Canada Customs and Revenue Agency* in the *Government of Canada* section. You may also consult the keyword section of the new government blue pages. In general, employers' human resources departments usually have the appropriate forms available. Communication-Québec can also help answer your questions.

Government of Canada credit for the Goods and Services tax (GST)

GST and QST tax credits are determined once a year, when you file your income tax returns. The cheque is issued in the name of one of the spouses. In the event of separation or divorce, the former spouses should reach an understanding as to how to divide up the credits allowed the family for the current year. The Canada Customs and Revenue Agency (formerly Revenue Canada) will pay the credit to the spouse who claimed it in the most recent tax return.

Credit for Québec sales tax (QST)

Only one of the two spouses may request the QST tax credit. This sum is normally sent in two payments: one in August and one in December. You can contact Revenu Québec for information on the QST credit (tax information division) and Canada Customs and Revenue Agency for information on the GST credit (credit division). Their telephone numbers are found in the blue pages of the phone book. Communication-Québec can give you information about who to call.

Teletype machine: see page 58

Financial commitment connected with sponsorship of immigrant spouse

Separation and divorce have **no effect** on the obligations a person takes on when they sponsor an immigrant spouse under Canada's Immigration Act. This means that their financial commitment remains in effect until the sponsorship period is over. In the case of a spouse, the period is three years. It is important to note that the spouse who is the guarantor will be obliged to reimburse the Québec government for social security benefits paid to an immigrant spouse when they divorce during the sponsorship period.

Partition of employment income registered with the Québec Pension Plan (QPP)

Employment income registered with the Québec Pension Plan is an element of family patrimony. When a separation, divorce or marriage annulment is issued, QPP-registered employment income corresponding to the period of marriage is **automatically shared** half-and-half between the two spouses. However, the spouses may **renounce** the sharing of income, either by **specifying so in the Court ruling or by a notarial act registered in Québec within a year of the ruling**.

Making an Informed Decision

The decision on whether or not to share the employment income registered with the Québec Pension Plan can have a major impact on the quality of your retirement. It is therefore **important** to be fully aware of the effects of sharing before making a decision.

New registered income may entitle you to a retirement annuity, a disability annuity or survivor's benefits. They can also have an effect on the payment of annuities.

To help the couple reach a decision, the Régie offers a simulation option. This is a fast, free service. Please note, however, that if divorce proceedings have not yet been undertaken or if you are a common law spouse, you will require the agreement of your spouse. To request a simulation, obtain a copy of the *Simulation des effets du partage* form available from your mediator, the Régie des rentes du Québec or Communication-Québec. You can also get it from the Régie's Website.

Common Law Marriages

Under certain conditions, common law spouses who separated after June 30, 1999, can also share employment income registered with the Québec Pension Plan during their marriage. They must submit a joint application to the Régie and have lived as a married couple for three years or for a year if they had or adopted a child together.

Under certain conditions, spouses who lived together before marrying can also share employment income registered during this period if their ruling takes effect after June 30, 1999. Their divorce ruling, legal separation, or

marriage annulment can serve as an application if it mentions the amount shared for this period. Otherwise, the spouses must submit a joint application in writing.

Régie des rentes du Québec
Case postale 5200
Québec (Québec) G1K 7S9
Québec City area: (418) 643-5185
Montréal area: (514) 873-2433
Elsewhere in Québec: 1-800-463-5185
Website: **www.rrq.gouv.qc.ca**
Teletype machine: see page 58

Partition of accumulated benefits under CARRA Pension Plans

The Commission administrative des régimes de retraite et d'assurances (CARRA) administers pension plans for approximately 500,000 employees of public and semi-public entities in Québec (teachers, public servants, nurses, etc.). The biggest of these is the RREGOP, a pension plan for public service employees. The value of accumulated entitlements under such pension plans are part of family patrimony and thus can become the object of a request for partition in the event of divorce, legal separation, or civil annulment of a marriage.

To know the value of such entitlements, you may submit the form *Application for a Statement of Benefits* to the CARRA. You may request a statement of benefits at any time once court proceedings have been initiated. There may be no partition of benefits unless their value has been established in advance by CARRA. Couples who have not initiated legal proceedings but who are in family mediation with an accredited family mediator may also request a statement of benefits from the CARRA.

The administrative fee charged by CARRA for requesting a statement of benefits is $213. This fee, which is indexed annually on the 1st of January, is divided equally between the two parties, unless they or the court should decide otherwise. For more information, please consult the brochure entitled *Partition of Family Patrimony* published by CARRA. You can order it directly from them or consult the document on their Website.

Commission administrative des régimes de retraite et d'assurances
Service à la clientèle
475 rue Saint-Amable, 5e étage
Québec (Québec) G1R 5X3
Québec City area: (418) 643-4881
Elsewhere in Québec: 1-800-463-5533
Fax: (418) 644-3839
Website: **www.carra.gouv.qc.ca**

Canadian Child Tax Benefit and Québec family assistance allowance

After a de facto separation, a legal separation, or a divorce, recipients of the Child Tax Benefit must notify Canada Customs and Revenue Agency (formerly Revenue Canada) of their change in civil status. You need to wait 90 days after a separation before applying for a change in civil status. To make this application, you fill out form RC-65, *Child Tax Benefit—Election to Change Marital Status*, which you can get from the Canada Customs and Revenue Agency. This procedure is necessary because the change in your family situation means that the Child Tax Benefit needs to be recalculated. Here is the contact information for the Canada Customs and Revenue Agency:

Tel.: 1-800-959-3376 (forms)
Website: **www.ccra-adrc.gc.ca**

The Canada Customs and Revenue Agency relays the information to the RRQ (Québec Pension Plan), which then recalculates your family assistance allowance.

Housing (shelter) allowance

Low income families (workers and income security recipients alike) with at least one dependent child and people age 55 and older are entitled to a "shelter allowance" if their housing expenses exceed 30% of their family income. The Société d'habitation du Québec, in collaboration with the Ministère du Revenu du Québec, publishes a pamphlet entitled *The Family Allowance*, which can be obtained from the Société d'habitation du Québec and Communication-Québec.

Telephone numbers for the **Société d'habitation du Québec**
Québec City area: (418) 643-7676
Elsewhere in Québec: 1-800-463-4315
Fax: (418) 643-4560
Site Internet: **www.shq.gouv.qc.ca**
Teletype machine: see page 58

You may also communicate with **Revenu Québec**
Québec City area: (418) 652-7020
Montréal area: (514) 864-7020
Elsewhere in Québec: 1-888-511-2558
Site Internet: **www.mrq.gouv.qc.ca**
Teletype machine: see page 58

Prescription drug insurance

After a breakup, since the couple is no longer living together, your prescription drug insurance arrangements need to be reviewed. In many cases, the change in domicile cancels out the family coverage provided. Since this means that one of the parties is no longer covered, it may be necessary to enroll in the government insurance plan administered by the Régie de l'assurance-maladie du Québec.

Health insurance card

As soon as a person's status changes—whether after a divorce, a de facto separation, or a legal separation—they must call and inform the Québec Régie de l'assurance-maladie, which will note the change in family status in their computer records and will proceed with address and status changes.

Québec City area: (418) 646-4636
Fax: (418) 643-6330
Montréal: (514) 864-3411
Fax: (514) 873-5951
Toll-free elsewhere in Québec: 1-800-561-9749
Teletype machine: see page 58

Parental Wage Assistance Program (PWA)

The Ministère de l'Emploi et de la Solidarité sociale has a program, PWA (Parental Wage Assistance), that provides assistance to low income families with one or more children. To obtain the application form or more information, call Communication-Québec. The Ministère de l'Emploi et de la Solidarité sociale can also provide information:

Telephone numbers:
Québec City area: (418) 643-4721
Fax: (418) 646-5426
Toll-free elsewhere in Québec: 1-888-643-4721
Website: **www.mess.gouv.qc.ca**

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For any questions involving social security benefits, you need to contact the Ministère de l'Emploi et de la Solidarité sociale, whose telephone number can be found in the blue pages of the telephone book, *Gouvernement du Québec* section, under the heading *Solidarité sociale*. You will find much useful information at the Department's Internet address: **www.mess.gouv.qc.ca**

Retirement Pensions

Following a separation or divorce, it is important to notify the departments and organizations from which you receive annuities and pensions as, in certain cases, the breakup can lead to a change in the amount you are entitled to. You must notify either the Régie des rentes du Québec (see page 43) or the Government of Canada's Human Resources Development Canada.

French, American, and other retirement pensions

In the event of legal separation or divorce, you may be entitled to an American social security pension as a divorced former spouse. In all cases, certain conditions apply, namely your former spouse's eligibility for a U.S. retirement or disability plan, your age, the number of years you were married, etc. Québec administers a number of social security agreements (with France, for example) that allow former spouses who have not remarried to be eligible for part of the survivor's pension . To find out if you are eligible or to submit a pension application, contact

Ministère des Relations avec les citoyens et de l'Immigration
Direction des ententes de sécurité sociale
454, Place Jacques-Cartier, 4e étage
Montréal (Québec) H2Y 3B3
Montréal area: (514) 873-5030
Fax: (514) 873-1811
Elsewhere in Québec: 1-800-565-7878
Website: **www.immq.gouv.qc.ca/ententes**

Other Important Points

Debts

Spouses are jointly responsible for any debts incurred during their relationship to pay for basic family needs (food, housing, furniture, car for family use, etc.). If they separate, they are still responsible for paying these debts. If they fail to do so, they can be sued, together or separately, regardless of the matrimonial regime they were married under or which spouse contracted the debt, provided it was incurred to cover family needs.

Marriage contracts

Following a decree of legal separation, the spouses remain bound by certain clauses in their marriage contract. Gifts, either inter vivos (between living persons) or because of the death of one of them, made under the testamentary clause "the succession devolves to the surviving spouse" ("au dernier vivant les biens" in the French version) may be cancelled, changed or maintained by the judge. Gifts between spouses by marriage contract, in the form of an insurance policy for instance, remain valid. Each contract is different and needs to be checked. Divorce or the death of a spouse ends the marriage contract.

Wills

If a spouse wrote up a will during the marriage or relationship and one of the spouses wishes to make changes to it, a new will has to be drawn up. Divorce cancels bequests made to a spouse because of the marriage. After a divorce, it is advisable to make a new will.

Insurance policies

Life insurance or other kinds of insurance policies protect the surviving spouse and children in the event of death. Many people decide not to change the policy beneficiary after a separation or divorce. If you wish to make a change, you will need to check with your insurance company to find out what to do. However, after a divorce ruling or civil annulment of marriage, it is recommended you **contact your insurance company in order to confirm the beneficiary's name** because the ruling cancels any designation of spousal beneficiary.

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Suggestions for further documentation

Below are the publications that can be obtained directly from the departments and agencies that publish them or from Communication-Québec:

Ministère de la Justice du Québec (www.justice.gouv.qc.ca)

- Joint Application for Divorce on Draft Agreement
- Your Rights at a Glance—Filiation
- Your Rights at a Glance—De Facto Union
- Your Rights at a Glance—Marriage
- Your Rights at a Glance—Separation and Divorce
- Family Mediation, Negotiating a Fair Agreement
- Québec Model for the Determination of Child Support Payments—Answers to Your Questions—Guide Including Calculation Table and Facsimile of Child Support Determination Form
- Presentation of a joint application for exemption under section 3 of the *Act facilitating the payment of support benefits*

You can also consult the website at www.justice.gouv.qc.ca publications or reports by the follow-up committee created when the Ministère de la Justice family mediation program came into effect.

Ministère du Revenu du Québec (www.revenu.gouv.qc.ca)

- The Tax Effects of Separation and Divorce
- Support Payments and Last-Resort Financial Assistance
- Collection of Support: When the Debtor or Creditor Resides Outside Québec
- The Collection of Support Payments by the Ministère du Revenu du Québec

- The Collection of Support Payments by the Ministère du Revenu du Québec—Exemption Application (available from the Ministère du Revenu only)

Ministère de l'Emploi et de la Solidarité sociale (www.mess.gouv.qc.ca)

- Apport-Aide aux parents pour leurs revenus de travail

Commission des services juridiques

- Legal aid ongoing expertise

Communication-Québec (www.comm-qc.gouv.qc.ca)

- Change of Address

Registrar of Civil Status

- Change of name and of designation of sex
- The Registar of civil status
- Marriage

Régie des rentes du Québec (www.rrq.gouv.qc.ca)

- If You Separate; Important Information for Married and De Facto Spouses

Société d'habitation du Québec (www.shq.gouv.qc.ca)

- The Shelter Allowance

Reference literature not available at Communication-Québec:

Health Canada

- Because Life Goes On: Helping Children and Youth *Live with Separation and Divorce*. A Guide for Parents
- Website: **www.hc-sc.gc.ca/hppb/sante-mentale/pms/index.html**

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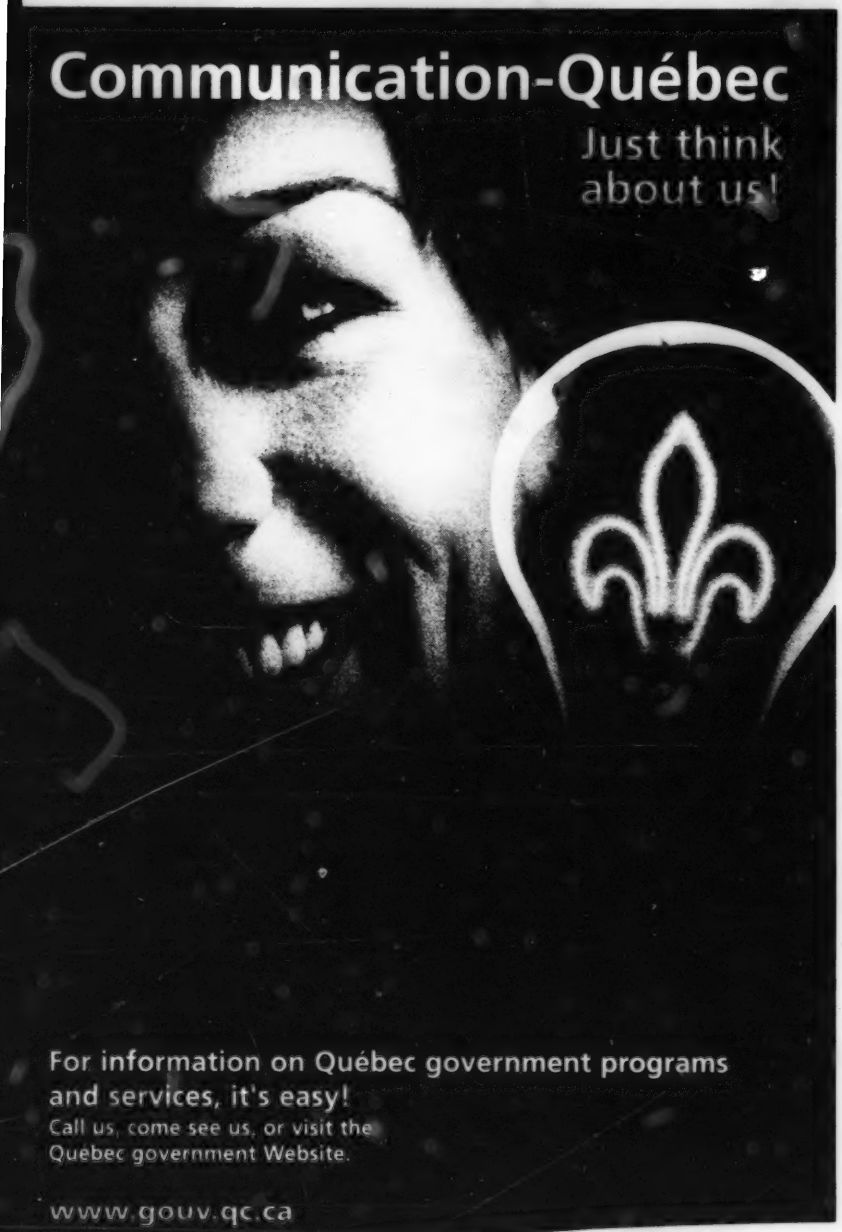
Communication-Québec
Just think about us!
For information on Québec government programs and services, it's easy!
Call us, come see us, or visit the Québec government Website.
www.gouv.qc.ca
Relations avec les citoyens et Immigration
Québec

Communication-Québec
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Services for the Deaf or Hard-of-hearing Who Have a Teletype Machine

The following numbers are for the exclusive use of the deaf or hard-of-hearing who have a teletype machine.

Canada Customs and Revenue Agency (formerly Revenue Canada)
Throughout Québec: 1-800-665-0354

Communication-Québec
Throughout Montréal: (514) 873-4626
Elsewhere in Québec: 1-800-361-9596

Régie de l'assurance maladie du Québec
Throughout Québec: (418) 682-3939
Elsewhere in Québec: 1-800-361-3939

Régie des rentes du Québec
Throughout Québec: 1-800-603-3540

Health Canada
Throughout Canada: 1-800-267-1245

S.O.S. Violence conjugale
Montréal Region: (514) 873-9010

Québec Government Portal

To access Québec governement information available over the Internet, simply visit the Québec government portal:
www.gouv.qc.ca

Communication-Québec Offices

Use the following number if you are making a long-distance call:
1-800-363-1363 (toll free)

Baie-Comeau

625, boul. Laflèche, bureau 701
Baie-Comeau (Québec) G5C 1C5
(418) 295-4000

Drummondville

270, rue Lindsay, RC 16
Drummondville (Québec) J2B 1G3
(819) 475-8777

Gaspé

96, montée Sandy-Beach, 1er étage, bureau 1.02
Gaspé (Québec) G4X 2W4
(418) 360-8000

Granby

77, rue Principale, RC 22
Granby (Québec) J2G 9B3
(450) 776-7100

Hull

170, rue de l'Hôtel-de-Ville, RC 120
Hull (Québec) J8X 4C2
(819) 772-3232

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Îles-de-la-Madeleine

224A, route Principale
Case postale 340
Cap-aux-Meules (Québec) G0B 1B0
(418) 986-3222

Joliette

Édifice Louis-Cyr
450, rue Saint-Louis, RC 20
Joliette (Québec) J6E 2Y8
(450) 752-6800

Jonquière

3950, boul. Harvey
Jonquière (Québec) G7X 8L6
(418) 695-7850

Laval

1796, boul. des Laurentides, Vimont
Laval (Québec) H7M 2P6
(514) 873-2111

Longueuil

118, rue Guilbault, RC 101
Longueuil (Québec) J4H 2T2
(514) 873-2111

Montréal

Place Dupuis
800, boul. de Maisonneuve Est, RC 2
Montréal (Québec) H2L 4L8
(514) 873-2111

Québec

400, boul. Jean-Lesage, bureau 105
Québec (Québec) G1K 8W1
(418) 643-1344

Rimouski

337, rue Moreault
Rimouski (Québec) G5L 1P4
(418) 727-3939

Rouyn-Noranda

255, avenue Principale, RC 01
Rouyn-Noranda (Québec) J9X 7G9
(819) 763-3241

Saint-Antoine

Galeries des Laurentides
500, boul. des Laurentides, bureau 1503-C
Saint-Antoine (Québec) J7Z 4M2
(450) 569-3019

Saint-Félicien

1209, boul. Sacré-Cœur
Case postale 7
Saint-Félicien (Québec) G8K 2P8
(418) 679-0433

Saint-Georges

11287, 1re Avenue Est, bureau 100
Saint-Georges (Québec) G5Y 2C2
(418) 226-3000

Saint-Hyacinthe

600, avenue Sainte-Anne
Saint-Hyacinthe (Québec) J2S 5G5
(450) 778-6500

Saint-Jean-sur-Richelieu

109, rue Saint-Charles
Saint-Jean-sur-Richelieu (Québec) J3B 2C2
(450) 346-6879

Salaberry-de-Valleyfield

83, rue Champlain
Salaberry-de-Valleyfield (Québec) J6T 1W4
(450) 370-3000

Sept-Îles

456, avenue Arnaud, RC 01
Sept-Îles (Québec) G4R 3B1
(418) 964-8000

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Sherbrooke

200, rue Belvédère Nord, RC 02
Sherbrooke (Québec) J1H 4A9
(819) 820-3000

Thetford Mines

183, rue Pie-XI
Thetford Mines (Québec) G6G 3N3
(418) 338-0181

Trois-Rivières

100, rue Laviolette, RC 26
Trois-Rivières (Québec) G9A 5S9
(819) 371-6121

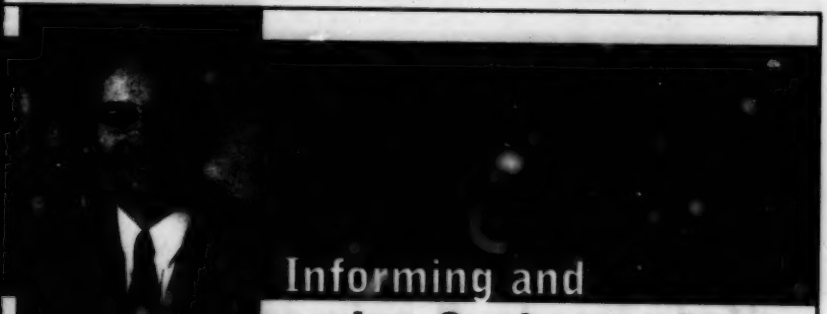
Val-d'Or

1212, 8e Rue
Val-d'Or (Québec) J9P 3N7
(819) 354-444

Teletype Machine

The deaf or hard-of-hearing can reach Communication-Québec using a teletype machine. The following numbers are reserved only for this use:

Montréal region: (514) 873-4626
Elsewhere in Québec: 1-800-361-9596



Informing and serving Quebecers better

The Québec government is committed to providing taxpayers with complete information on the services it offers. It also strives to ensure that these services are of high quality and are readily available to those who need them. The Ministère des Relations avec les citoyens et de l'Immigration is the government department responsible for facilitating this relationship between the state and taxpayers.

The special collection of guides from Communication-Québec is a reflection of the government's commitment. They make it easier to find essential government information and guide taxpayers in their dealings with the state in situations such as the birth of a child, a change of address, starting up a business, separation or divorce, retirement, or death.

Separation and Divorce provides couples who are going through a separation with a simple source of handy government information. At a difficult time in their lives, it walks them through the psychological, social, and legal aspects of their breakup and discusses the financial and tax consequences they will face. It also recommends other readings and explains how to contact the various government departments and agencies that are mentioned.

Informing and serving Quebecers better is our responsibility. The personnel in our department and all employees of the Government of Québec are working hard to make sure we do.

Joseph Facal
Minister of Relations with the Citizens and Immigration
Minister for Canadian Intergovernmental Affairs
Minister responsible for Relations with French-Speaking and Acadian Communities

Québec

Are you undergoing separation or divorce?

Have you applied to the Court to have your former spouse pay support for a dependent child?

Or are you entitled to receive support further to a Court order?

The Ministère du Revenu du Québec is responsible for the collection of support in every instance where a judgment awards support.

For further information:

652-4413 (Québec City area)

1 800 488-2323 (elsewhere)

Internet: www.revenu.gouv.qc.ca

Revenu Québec

Need a lawyer?

Call our referral service

- **Montréal:** (514) 866-2490
- **Québec:** (418) 529-0301
- **Laval:** (450) 686-2958
- **Longueuil:** (450) 468-2609
- **Elsewhere in Québec:** 1 800 361-8495

Talk to a lawyer... first!

Barreau du Québec

http://www.barreau.qc.ca

family mediat

Negociating a fair agreement

Family mediation is a way to resolve conflicts in which couples wish to end their union, whether they are married or De Facto Spouses, with or without children and ask for the services of a professional mediator to negociate and settle their separation, claim, divorce, child custody, child support. Furthermore, a couple can also receive family mediation in the case of an existing decision.

In accordance with a program established by the ministère de la Justice in 1997, couples with children may receive six free mediation sessions during the negociation and settlement of their application for separation, divorce, child custody and child support. They may receive three free sessions for the review of an existing decision.

For more information on family mediation or to find out who has the liability to act as a mediator, contact the Service de médiation familiale at the courthouse of your judicial district. You can also contact the following bodies which members are certified to act as a mediator and which the coordinates appear on the opposite paragraph.

Paul Bégin,
Justice Minister

Barreau du Québec
(514) 954-3458
1 800 361-8495 (ext. 3458)

Chambre des notaires
(514) 879-1793
1 800 263-1793

Ordre des conseillers
et conseillères d'orientation
et des psychoéducateurs
et psychoéducatrices du Québec
(514) 737-4717
1 800 363-2643

Ordre des psychologues
du Québec
(514) 738-1223
1 800 561-1223

Ordre professionnel des
travailleurs sociaux du Québec
(514) 731-3925
1 888 731-9420

The Centres de jeunesse of
Montréal : (514) 393-2285
Québec : (418) 661-6951
Laval : (450) 975-4150
Chaudières-Appalaches :
(418) 837-9331

Justice Québec

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